



State of Utah

GARY R. HERBERT

Governor

GREG BELL

Lieutenant Governor

NEAL T. GOOCH

Insurance Commissioner

Insurance Department

State of Utah Title and Escrow Commission Meeting Meeting Information

Date: August 9, 2010

Time: 9am

Place: East Bldg, Spruce Room

MEMBERS

Commission Members

Chair, Jerry M. Houghton, Tooele Cnty

Canyon W. Anderson, Davis Cnty

Cortlund G. Ashton, Salt Lake Cnty

Garry M. Goodsell, Iron Cnty

Dirk Keyes

Department Staff

Perri Babalis

Suzette Green-Wright

Mark Kleinfeld

AG Legal Counsel

Mc Director Dir.

Admin. Law Judge

Tammy Greening

Jilene Whitby

Brad Tibbitts

Mc Examiner

PIO/Recorder

Life, P&C

AGENDA

General Session: (Open to the Public)

- **Welcome and Introductions** / Jerry Houghton, Chair
- **Executive Session** - If needed (*Closed to the Public*)
- **Adopt Minutes of Previous Meeting**
- **Reports**
 - Concur with Licensee Report
 - Number of Cases Open & Closed
 - Enforcement Cases
 - Request for Attorney Exemption: None
- **Administrative Proceedings Action**
 - Request for Hearing: None
 - Stipulation and Orders: Ryan B. Hoskins
- **Old Business**
 - Good Funds Wording Changes to 31A-23a-406 / Suzette
 - Title Insurance Bill Update / Suzette
 - Rule R592-6 Discuss Additional Changes
 - Rule R592-11 Reconsideration of Changes
 - IT Billing for Recovery Fund / Suzette
 - Short Searches and Signature Services
 - E&O Insurance Questions / Jerry
- **New Business**
 - Nation Underwriting Rates / Canyon
- **Other Business from Committee Members**
- **Adjourn:**
- **Next Meeting:** September 13, 2010, Spruces Room

2010 Meetings

August 9

September 13

October 11

November 8

December 13

Title Agency Monthly Report

For the month of July, 2010

License Renewal

Agy_ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
15687	PLACER TITLE INSURANCE AGENCY OF UTA	7/19/2006	7/31/2012			TS
6402	GUARDIAN TITLE COMPANY OF UTAH	5/16/2002	7/31/2012			TS
6295	HICKMAN LAND TITLE COMPANY	5/16/2002	7/31/2012			TE
6295	HICKMAN LAND TITLE COMPANY	5/16/2002	7/31/2012			TMR
6295	HICKMAN LAND TITLE COMPANY	5/16/2002	7/31/2012			TS
11371	MILLCREEK LAND TITLE INSURANCE INC	5/16/2002	7/31/2012			TE
11371	MILLCREEK LAND TITLE INSURANCE INC	5/16/2002	7/31/2012			TS
15481	MORGAN TITLE & ESCROW INC	5/26/2006	7/31/2012			TE
15481	MORGAN TITLE & ESCROW INC	5/26/2006	7/31/2012			TS
6556	PROVO ABSTRACT COMPANY, INC	5/16/2002	7/31/2012			TE
6402	GUARDIAN TITLE COMPANY OF UTAH	5/16/2002	7/31/2012			TE
15687	PLACER TITLE INSURANCE AGENCY OF UTA	7/19/2006	7/31/2012			TE
6556	PROVO ABSTRACT COMPANY, INC	5/16/2002	7/31/2012			TS
6359	PROVO LAND TITLE COMPANY	5/16/2002	7/31/2012			TE
6359	PROVO LAND TITLE COMPANY	5/16/2002	7/31/2012			TS
13668	SPENCER BALL & ASSOCIATES LC	7/20/2004	7/31/2012			TE
13668	SPENCER BALL & ASSOCIATES LC	7/20/2004	7/31/2012			TS

Lapse Licenses

Agy_ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
6198	METRO NATIONAL TITLE OF NORTHERN UTA	5/16/2002	6/30/2010	7/1/2010		TE
6198	METRO NATIONAL TITLE OF NORTHERN UTA	5/16/2002	6/30/2010	7/1/2010		TS
11444	CANYON VIEW TITLE INSURANCE AGENCY	6/5/2002	6/30/2010	7/1/2010		TE

Thursday, August 05, 2010

Title Agency Monthly Report

For the month of July, 2010

Lapse Licenses

Agy_ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
11444	CANYON VIEW TITLE INSURANCE AGENCY	6/5/2002	6/30/2010	7/1/2010		TS

Title Individual Monthly Report

For the month of July, 2010

New License

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
1369689	BLAKE HAMMOND	07-07-2010	09-30-2012			TE
1411516	MATTHEW SCOTT LEPIRE	07-26-2010	04-30-2013			TMR
1428853	SANDRA SUE TOBLER	07-28-2010	01-31-2013			TMR
1414322	LANCE REINHARD ARMSTRONG	07-08-2010	06-30-2013			TMR

License Renewal

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
151679	SCOTT WHITNEY BISHOP	09-10-2007	07-31-2012			TMR
77953	CRYSTAL D BOND	06-07-2002	07-31-2012			TE
104155	CATHERINE AUGASON	07-27-2004	07-31-2012			TE
30294	WILLIAM A AVIS	05-16-2002	07-31-2012			TE
30294	WILLIAM A AVIS	05-16-2002	07-31-2012			TMR
31187	DENIECE A REYES	05-16-2002	07-31-2012			TE
93796	JENNY POTTER GORING	08-28-2003	07-31-2012			TE
36042	MARGIE LUDINGTON GLEAVE	05-16-2002	07-31-2012			TE
77953	CRYSTAL D BOND	06-07-2002	07-31-2012			TMR
1366731	JAMES BRETT BOREN	06-25-2008	07-31-2012			TE
1366731	JAMES BRETT BOREN	06-25-2008	07-31-2012			TS
116714	BRETT PETER BOYLE	08-02-2005	07-31-2012			TMR

Title Individual Monthly Report

For the month of July, 2010

License Renewal

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
39660	LAURIE J CALLAHAN	05-16-2002	07-31-2012			TE
39660	LAURIE J CALLAHAN	05-16-2002	07-31-2012			TS
30294	WILLIAM A AVIS	05-16-2002	07-31-2012			TS
29108	DAN W. JONES	05-16-2002	07-31-2012			TE
32880	ROBIN L MCLAREN	05-16-2002	07-31-2012			TMR
101419	STEPHANIE L GREEN	05-07-2004	07-31-2012			TE
96853	CHRISTIN ELIZABETH GWILLIAM	12-12-2003	07-31-2012			TE
28262	LOIS M HALL	05-16-2002	07-31-2012			TE
101430	DAWNA BEAN HENDRICKS	04-29-2004	07-31-2012			TE
102858	JEAN M HUDSPETH	06-14-2004	07-31-2012			TE
36424	KELI IVIE	05-16-2002	07-31-2012			TE
72743	FRANKLIN S IVORY	05-16-2002	07-31-2012			TMR
103733	GAYLEN GONZALEZ	07-13-2004	07-31-2012			TS
53288	JOHN ANTHONY LARA	05-16-2002	07-31-2012			TE
124906	Donna S. Dodd	02-09-2006	07-31-2012			TE
45341	PAUL M KING	05-16-2002	07-31-2012			TE
45341	PAUL M KING	05-16-2002	07-31-2012			TS
93930	KEVIN L KING	09-08-2003	07-31-2012			TE
93930	KEVIN L KING	09-08-2003	07-31-2012			TS
43653	NINA J KNOWLES	05-16-2002	07-31-2012			TE

Title Individual Monthly Report

For the month of July, 2010

License Renewal

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
43653	NINA J KNOWLES	05-16-2002	07-31-2012			TS
54412	DAVID A PEDRAZAS	11-03-2005	07-31-2012			TE
36424	KELI IVIE	05-16-2002	07-31-2012			TMR
100685	CATHERINE EVANS LITTLE	04-16-2004	07-31-2012			TMR
54186	VONNA REES	05-16-2002	07-31-2012			TS
44800	SHAUNA R MAYEDA	05-16-2002	07-31-2012			TE
44800	SHAUNA R MAYEDA	05-16-2002	07-31-2012			TS
34733	ANGIE MC KINNON	05-16-2002	07-31-2012			TE
34733	ANGIE MC KINNON	05-16-2002	07-31-2012			TS
125680	CATHERINE MCGREGOR	03-01-2006	07-31-2012			TMR
32880	ROBIN L MCLAREN	05-16-2002	07-31-2012			TE
1344462	KRISTIE M COOK	01-31-2008	07-31-2012			TS
32880	ROBIN L MCLAREN	05-16-2002	07-31-2012			TS
93775	STEPHANIE LYNN PHIPPS	09-29-2003	07-31-2012			TS
151733	KARL ANTHONY MINNICK	09-10-2007	07-31-2012			TS
128205	BROOKE MOCK	05-03-2006	07-31-2012			TE
122091	HILLARY J MORGAN	12-13-2005	07-31-2012			TE
122091	HILLARY J MORGAN	12-13-2005	07-31-2012			TS
37565	JIM C MORRIS	05-16-2002	07-31-2012			TE
37565	JIM C MORRIS	05-16-2002	07-31-2012			TS

Title Individual Monthly Report

For the month of July, 2010

License Renewal

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
36195	JARROD L MUDROCK	05-16-2002	07-31-2012			TE
101339	DOUGLAS M NEWELL	04-27-2004	07-31-2012			TE
79695	KRISTINA L NELSON	07-31-2002	07-31-2012			TE
29108	DAN W. JONES	05-16-2002	07-31-2012			TS
53288	JOHN ANTHONY LARA	05-16-2002	07-31-2012			TS
101339	DOUGLAS M NEWELL	04-27-2004	07-31-2012			TS
33674	LINDA L NICHOLLS	05-16-2002	07-31-2012			TE
52864	CHARLOTTE A OAKES	05-16-2002	07-31-2012			TE
35987	LINDA B OGDEN	05-16-2002	07-31-2012			TE
35987	LINDA B OGDEN	05-16-2002	07-31-2012			TS
122079	DIANA LEE MIKESELL	12-12-2005	07-31-2012			TE
35173	GLENNA F OLIVER	05-16-2002	07-31-2012			TS
34424	MELANIE B PADOVICH	05-16-2002	07-31-2012			TE
45796	ROBYN C PARKER	05-16-2002	07-31-2012			TMR
36195	JARROD L MUDROCK	05-16-2002	07-31-2012			TS
54412	DAVID A PEDRAZAS	11-03-2005	07-31-2012			TS
36488	KEITH JOHN PETERSON	05-16-2002	07-31-2012			TS
55163	ADAM S PHILLIPS	05-16-2002	07-31-2012			TE
55163	ADAM S PHILLIPS	05-16-2002	07-31-2012			TMR
55163	ADAM S PHILLIPS	05-16-2002	07-31-2012			TS

Title Individual Monthly Report

For the month of July, 2010

License Renewal

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
103099	JEREMY D BAWDEN	06-23-2004	07-31-2012			TE
35173	GLENNA F OLIVER	05-16-2002	07-31-2012			TE
33612	KELLI DAWN SHAW	05-16-2002	07-31-2012			TS
37721	VICTORIA J WALKER	05-16-2002	07-31-2012			TE
100005	AMY MICHELLE UPCHURCH	03-30-2004	07-31-2012			TS
100005	AMY MICHELLE UPCHURCH	03-30-2004	07-31-2012			TE
42692	DON B THOMPSON	10-06-2003	07-31-2012			TS
42692	DON B THOMPSON	10-06-2003	07-31-2012			TE
34165	LORI A SUTTON	05-16-2002	07-31-2012			TE
84380	ASHLEE H SPRAGUE	11-27-2002	07-31-2012			TE
41619	TINA S WILLIAMS	05-16-2002	07-31-2012			TE
37616	JANET O WELLS	05-16-2002	07-31-2012			TE
76661	DARRELL G SIMMONS	05-16-2002	07-31-2012			TMR
42946	MICHELLE ANN SORENSEN	05-16-2002	07-31-2012			TE
33612	KELLI DAWN SHAW	05-16-2002	07-31-2012			TE
30483	DONNA L SCERBO	05-16-2002	07-31-2012			TS
30483	DONNA L SCERBO	05-16-2002	07-31-2012			TE
87221	CRISTINA M ROBERTS	02-27-2003	07-31-2012			TE
126967	SYLVIA STEBBINS	06-02-2006	07-31-2012			TE
103396	Shanae Welsh	06-24-2004	07-31-2012			TE

Title Individual Monthly Report

For the month of July, 2010

License Renewal

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
30799	RONDA WILLIAMS	05-16-2002	07-31-2012			TE
41619	TINA S WILLIAMS	05-16-2002	07-31-2012			TS
90601	CASSIE SMITH	05-23-2003	07-31-2012			TE
44930	EMILIE G PINKELMAN	05-16-2002	07-31-2012			TE

Late License Renewal

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
34177	SHAUNA M JOHNSON	05-16-2002	07-31-2012			TS

Lapse Licenses

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
45432	ROBYN L GARLOCK	05-16-2002	06-30-2010	7/30/2010		TS
1348173	JEFF A. RADDATZ	12-12-2007	06-30-2010	7/30/2010		TE
144654	JANA LEE MORTENSEN	07-18-2007	06-30-2010	7/30/2010		TE
102281	ELISABETTA MELIS	06-01-2004	06-30-2010	7/30/2010		TS
147492	MARTIN STEVEN WRIGHT	07-19-2007	06-30-2010	7/30/2010		TE
148708	THOMAS B. PARISH	07-09-2007	06-30-2010	7/30/2010		TMR
149080	KOKO HEAD	07-31-2007	06-30-2010	7/30/2010		TE
151278	TYLER T TODD	12-10-2007	06-30-2010	7/30/2010		TE

Title Individual Monthly Report

For the month of July, 2010

Lapse Licenses

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
37184	HEATHER LITTLEWOOD	05-16-2002	06-30-2010	7/30/2010		TE
92096	BRENDA JOY VINCENT	07-11-2003	06-30-2010	7/30/2010		TS
53286	LISA CAROL DU BREUIL	05-16-2002	06-30-2010	7/30/2010		TE
129511	Amanda Grace Cotton	05-31-2006	06-30-2010	7/30/2010		TE
46580	MICHELLE L KIRCHHEFER	05-16-2002	06-30-2010	7/30/2010		TE
128481	STEVEN R FINCH	05-12-2006	06-30-2010	7/30/2010		TMR
42510	JAN REYNOLDS	05-16-2002	06-30-2010	7/30/2010		TMR
42384	RULAN KENT DALTON	05-16-2002	06-30-2010	7/30/2010		TS
151278	TYLER T TODD	12-10-2007	06-30-2010	7/30/2010		TS
42276	ROGER E CATER	05-16-2002	06-30-2010	7/30/2010		TS
151812	CYNDI BROWN	09-17-2007	06-30-2010	7/30/2010		TE
37023	NIKKI JOHNSON HARRIS	10-13-2005	06-30-2010	7/30/2010		TE
34239	TINA N AHRENS	05-16-2002	06-30-2010	7/30/2010		TMR
30730	KERYL T SQUIRES	05-16-2002	06-30-2010	7/30/2010		TE
23140	PATRICIA A FISHER	05-16-2002	06-30-2010	7/30/2010		TMR
23140	PATRICIA A FISHER	05-16-2002	06-30-2010	7/30/2010		TE
152073	TRISHA L. MOORE	11-28-2007	06-30-2010	7/30/2010		TMR
46780	CHRISTINE AMIDAN	05-16-2002	06-30-2010	7/30/2010		TE
1348492	NATHAN RUSSELL DUNFORD	11-27-2007	06-30-2010	7/30/2010		TMR
1340614	KELLY KEVIN KAY	10-10-2007	06-30-2010	7/30/2010		TE

Title Individual Monthly Report

For the month of July, 2010

Lapse Licenses

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
1362676	JACOB ANDREW WOOD	05-09-2008	06-30-2010	7/30/2010		TMR
1345957	CHRISTINE O. GILBERT	01-29-2008	06-30-2010	7/30/2010		TE
1354657	ANDREA EILEEN RICHTER	02-26-2008	06-30-2010	7/30/2010		TMR
1354518	PHILIP S. HOLLAND	02-28-2008	06-30-2010	7/30/2010		TMR
1353452	LARRY W CHRISTIANSEN	02-07-2008	06-30-2010	7/30/2010		TS
129511	Amanda Grace Cotton	05-31-2006	06-30-2010	7/30/2010		TS
1348806	MATTHEW S BANZHAF	01-07-2008	06-30-2010	7/30/2010		TE
1348492	NATHAN RUSSELL DUNFORD	11-27-2007	06-30-2010	7/30/2010		TE
94548	TORI LYNN BELL	09-24-2003	06-30-2010	7/30/2010		TE
125196	TERRA LEE WYNINGER	02-16-2006	06-30-2010	7/30/2010		TE
1353452	LARRY W CHRISTIANSEN	02-07-2008	06-30-2010	7/30/2010		TE
119578	MICHAEL T LUCKART	10-07-2005	06-30-2010	7/30/2010		TE
42384	RULAN KENT DALTON	05-16-2002	06-30-2010	7/30/2010		TE
122090	KRISTIN C HOOPES	12-13-2005	06-30-2010	7/30/2010		TE
119578	MICHAEL T LUCKART	10-07-2005	06-30-2010	7/30/2010		TMR
146223	RYAN S. MCLACHLAN	08-27-2007	06-30-2010	7/30/2010		TE
1359051	RAMON JOHN ROBERTS	06-06-2008	06-30-2010	7/30/2010		TMR
130679	TIFFANY HUNTER	06-27-2006	06-30-2010	7/30/2010		TE

Title Individual Monthly Report

For the month of July, 2010

Reinstated License

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
96891	DEREK DAVID MORTON	03-22-2004	06-30-2012	7/30/2010	7/8/2010	TE
96891	DEREK DAVID MORTON	03-22-2004	06-30-2012	7/30/2010	7/8/2010	TS
27926	PAUL V CHILD	05-16-2002	06-30-2012	7/30/2010	7/6/2010	TS
42640	D SHANE CURLIS	05-16-2002	02-29-2012	3/30/2010	7/29/2010	TS
43972	STEPHEN MARCEL GILES	05-16-2002	06-30-2012	7/30/2010	7/6/2010	TE
34894	JOHN RAY LEHMER	05-16-2002	06-30-2012	7/30/2010	7/26/2010	TE
34894	JOHN RAY LEHMER	05-16-2002	06-30-2012	7/30/2010	7/26/2010	TS
45448	JEANNA D WRIDE	05-16-2002	05-31-2012	6/30/2010	7/28/2010	TE
27926	PAUL V CHILD	05-16-2002	06-30-2012	7/30/2010	7/6/2010	TE

Title Insurance Consumer Complaints Open and Closed Per Month Report

	Open	Closed
January	1	0
February	1	1
March	3	2
April	5	2
May	0	5
June	1	1
July	0	1
August	2	1
September	1	0
October	0	3
November	1	0
December	0	1
Total 2008	15	17
January	0	0
February	0	1
March	0	0
April	0	0
May	1	0
June	0	1
July	0	0
August	1	0
September	0	0
October	0	1
November	0	0
December	1	2
Total for 2009	3	5
January	1	0
February	1	2
March	0	0
April	0	0
May	1	0
June		
July		
August		
September		
October		
November		
December		
Total for 2010	3	2

Title Insurance Investigations

Open and Closed Per Month Report

	Opened	Closed
January	7	4
February	20	26
March	11	41
April	19	25
May	20	7
June	20	39
July	26	17
August	24	21
September	15	55
October	14	15
November	25	17
December	11	55
Totals for 2008	212	322
January	8	31
February	13	15
March	4	12
April	10	5
May	5	5
June	16	25
July	6	7
August	15	17
September	31	22
October	20	18
November	7	11
December	10	9
Totals for 2009	145	177
January	10	9
February	7	22
March	17	17
April	2	0
May	3	15
June	23	22
July	0	2
August		
September		
October		
November		
December		
Totals for 2010	62	87

Title Insurance Consumer Complaints

Open and Closed Consumer Complaint Summary Report

Case #	Date Open	Date closed	Complaint	CSA
58109	1/25/2010	2/25/2010	HO premium not paid at closing	Meldee
58202	2/22/2010	2/22/2010	title complaint, feels title company didn't uncover/disclose hazards for clear title and sale of home - flood insurance requirements	Sandy
58434	5/19/2010		Condo Ins not pd at closing	Meldee

Title Insurance Enforcement Report

E-Case #	Date Opened	Recommended Action	Action taken	Action Date	Closed Date
2174	5/20/08	Stipulation and Order	Prosecutor for drafting	9/8/08	
			Respondent for signature	6/23/10	
			Penalty imposed by commission		
2331	12/22/08	Stipulation and Order	Prosecutor for drafting		
			Respondent for signature		
			Penalty imposed by commission		
2405		Appeal	Under Review	5/31/10	
			Disposition		
			Disposition		
2423	5/14/09	Complaint	Prosecutor for drafting	6/9/10	
			Hearing		
			Penalty imposed by commission		
2501	9/2/09	Informal Action	Sent to Respondent	10/5/09	
			OTSC/moved no forwarding add		
			Accepted by respondent		
2521	9/23/09	Informal Action	Sent to Respondent	9/30/09	
			Order to show cause	3/2/10	
			Additional Fine	3/31/10	
2523	9/3/09	Stipulation and Order	Prosecutor for drafting	10/19/09	
			Draft Pleading	2/16/10	
			Penalty imposed by commission	3/8/10	4/8/2010
2538	10/14/09	Stipulation and Order	Prosecutor for drafting	1/28/10	
			Respondent for signature	3/2/10	
			Penalty imposed by commission	4/8/10	4/8/2010
2548	10/26/09	Stipulation and Order	Prosecutor for drafting	4/8/10	
			Respondent for signature		
			Penalty imposed by commission		
2549	10/26/09	Stipulation and Order	Prosecutor for drafting	4/8/10	
			Respondent for signature		
			Penalty imposed by commission		
2564	11/5/09	Stipulation and Order	Prosecutor for drafting	5/17/10	
			Respondent for signature		
			Penalty imposed by commission		
2572	11/17/09	Hearing	Sent to Respondent	2/4/10	
			Hearing set	8/2/10	
			Accepted by respondent		
2598	12/22/09	Stipulation and Order	Prosecutor for drafting	12/22/09	
			Respondent for signature		
			Penalty imposed by commission		
2621	1/12/10	Complaint	Sent to Respondent	2/4/10	
			Pre-hearing set	8/10/10	
			Accepted by respondent		
2623	1/12/10	Complaint	Sent to Respondent	2/4/10	
			Pleading sent	7/1/10	

Title Insurance Enforcement Report

E-Case #	Date Opened	Recommended Action	Action taken	Action Date	Closed Date
2624	1/12/10	Complaint	Sent to Respondent	2/4/10	
			Pre-hearing set	8/10/10	
			Accepted by respondent		
2637	2/18/10	Stipulation and Order	Prosecutor for drafting	3/4/10	
			Respondent for signature	4/19/10	
			Penalty imposed by commission		
2638	2/18/10	Complaint	Prosecutor for drafting	4/20/10	
			Respondent for signature		
			Penalty imposed by commission		
2651	3/11/10	Stipulation and Order	Prosecutor for drafting	3/15/10	
			Respondent for signature	4/26/10	
			Penalty imposed by commission		
2659	3/24/10	Complaint	Sent to Respondent	4/12/10	
			Hearing scheduled	6/22/10	
			Signed by Judge		
2664	4/1/10	Complaint for revocation	Sent to Respondent		
			No response / revocation		
2687	6/2/10	Informal Action	Sent to Respondent		
			Accepted by respondent		
2701	6/2/10	Informal Action	Sent to Respondent	7/7/10	
			Accepted by respondent		
2702	6/2/10	Informal Action	Sent to Respondent	7/7/10	
			Accepted by respondent		
2703	6/2/10	Informal Action	Sent to Respondent	7/6/10	
			Accepted by respondent		

As of 7/8/2010

Title Insurance Investigations

[illegible]

Title Insurance Investigations

[illegible]

M. GALE LEMMON #4363
Assistant Attorney General
MARK L. SHURTLEFF #4666
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RECEIVED

JUL 12 2010

UTAH STATE
INSURANCE DEPT.

BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENTS:

RYAN B. HOSKINS
c/o Titan Title Insurance Agency
5296 S. Commerce Drive, #101
Murray, UT 84107
License No. 222575

STIPULATION AND ORDER

Docket No.

Enf. Case No. 2637

STIPULATION

1. Respondent, Ryan B. Hoskins ("Hoskins") is a licensed title insurance agent in the State of Utah, holding License No. 222575.
2. Respondent stipulates with the Complainant, Utah Insurance Department, as follows:
 - a. If a hearing were held, witnesses called by the Complainant could offer and introduce evidence that would support the Findings of Fact herein;
 - b. Respondent admits the Findings of Fact and Conclusions made therefrom;

- c. Respondent stipulates to the summary entry of the Order herein which shall be in lieu of other administrative proceedings by Complainant in this matter; and
- d. Respondent and Complainant have negotiated the terms of the Order entered herein and Respondent agrees to its entry and further agrees to be bound by all its terms.

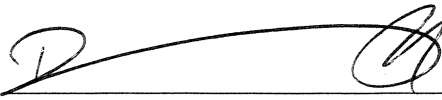
3. Respondent is aware of his right to a hearing at which he may be represented by counsel, present evidence and cross-examine witnesses. Respondent has irrevocably waived his right to such hearing and to any appeal related thereto.

4. Respondent admits the jurisdiction of the State of Utah Insurance Commissioner as to all matters herein.


5. Respondent is acting herein free from any duress or coercion of any kind or nature, having been advised fully as to his rights set forth herein.

6. Respondent acknowledges that the issuance of this Order by the Commissioner is solely for purpose of disposition of the matter entitled herein.

DATED this 8 day of July, 2010.



RYAN B. HOSKINS



UTAH INSURANCE DEPARTMENT
M. Gale Lemmon
Assistant Attorney General

Based upon the foregoing Stipulation and information in the file, the Presiding Officer makes the following Findings of Fact:

FINDINGS OF FACT

1. On or about November 20, 2009, Market Conduct Department staff member, Sheila Curtis, received via email a single page promotional handout which set out closing costs and fees of Surety Title Agency (“Surety”).
2. Subsequent investigation determined that on October 21, 2010, Respondent Ryan Hoskins, an escrow officer with Surety had distributed this flyer to loan officers of Affordable Home Loans in an effort to secure business.
3. The flyer quoted a rate of \$0 for document preparation fees.
4. Surety’s filed rate for document preparation is \$25.00.
5. In a November 23, 2009 letter to Surety, Curtis advised Surety that the flyer, quoting document preparation fees of \$0, was in violation of Section 31A-23a-401 (West 2009).
6. On December 3, 2009, the Department received a response letter from Respondent Hoskins stating he was unaware of the filed rate and apologized for the oversight.
7. Respondent Hoskins thereafter sent an email and a hard copy letter to all loan officers of Affordable Home Loans advising them that Surety Title had a filed minimum rate of \$25.00 for document preparation with the Department, and that the fee would be charged.
8. Respondent was timely in its response to Curtis, and provided evidence to her of his timely effort to correct the violation.

Based upon the foregoing Stipulation and Findings of Fact, the Presiding Officer enters the following Conclusions of Law:

CONCLUSIONS OF LAW

1. Utah Administrative Code Rule R592-6-4, states in part:

... that providing or offering to provide any of the following benefits ... is a material and unfair inducement to obtaining title insurance business and constitutes an unfair method of competition.

(3) Furnishing escrow services pursuant to Section 31a-23a-406:

(a) for a charge less than the charge filed pursuant to Section 31A-19a-209(5) ...

2. Respondent violated the above provision on October 21, 2009 when a flyer was distributed to potential clients which quoted a rate for document preparation below the filed rate.
3. An administrative forfeiture in the amount of \$500.00 is appropriate under the circumstances of this case.

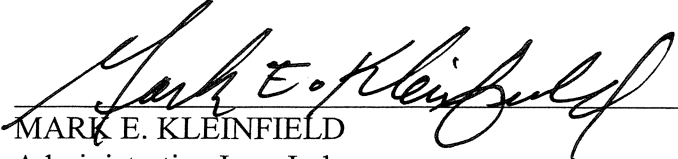
RECOMMENDED ORDER

IT IS RECOMMENDED THAT THE TITLE AND ESCROW COMMISSION IMPOSE THE FOLLOWING PENALTY:

1. Respondent Ryan B. Hoskins be assessed an administrative forfeiture in the amount of \$500.00 to be paid to the Commissioner within 30 days of the date of the Order.

DATED this 13th day of July, 2010.

NEAL T. GOOCH
Acting Insurance Commissioner


MARK E. KLEINFELD
Administrative Law Judge
Utah Insurance Department
State Office Building, Room 3110
Salt Lake City, Utah 84114
Telephone: (801) 538-3800

ADOPTION OF RECOMMENDED ORDER AND IMPOSITION IF PENALTY

By a vote of _____ to _____, taken in open meeting on this date, the Title and Escrow Commission hereby adopts the Recommended Order of the Presiding Officer and imposes the penalty recommended above.

DATED this _____ day of _____, 2010.

JERRY HOUGHTON, Chairman
Title and Escrow Commission

NOTIFICATION

Respondent is hereby notified that failure to abide by the terms of this Order may subject you to further penalties, including additional forfeitures of up to \$2,500.00 per violation and the suspension or revocation of your license, and the filing of an action to enforce this Order in the District Court, which may impose penalties of up to \$10,000.00 per day for continued violation.

You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.

R592. Insurance, Title and Escrow Commission.

R592-6. Unfair Inducements and Marketing Practices in Obtaining Title Insurance Business.

R592-6-1. Authority.

This rule is promulgated pursuant to Section 31A-2-404(2), which authorizes the Title and Escrow Commission (Commission) to make rules for the administration of the Insurance Code related to title insurance, including rules related to standards of conduct for a title insurer, agency or producer.

R592-6-2. Purpose and Scope.

(1) The purpose of this rule is to identify certain practices, which the Commission finds creates unfair inducements for the placement of title insurance business and as such constitute unfair methods of competition. These practices include the payment of expenses that are considered normal, customary, reasonable and recurring in the operation of a client of a title insurer, agency or producer.

(2) This rule applies to all title insurers, title insurance agencies, title insurance producers and all employees, representatives and any other party working for or on behalf of said entities whether as a full time or part time employee or as an independent contractor.

R592-6-3. Definitions.

For the purpose of this rule the Commission adopts the definitions as set forth in Section 31A-1-301 and 31A-2-402, and the following:

(1) "Bona fide real estate transaction" means:

(a) a preliminary title report is issued to a seller or listing agent in conjunction with the listing of a property; or

(b) a commitment for title insurance is ordered, issued, or distributed in a purchase and sale transaction showing the name of the proposed buyer and the sales price, or in a loan transaction showing the proposed lender and loan amount.

(2) "Business Activities" shall include sporting events, sporting activities, musical and art events. In no case shall such business activities rise to the level of ceremonies, for example, award banquets, recognition events or similar activities sponsored by or for clients, or include travel by air, or other commercial transportation.

(3) "Business meals" shall include breakfast, brunch, lunch, dinner, cocktails and tips. In no case shall such business meals raise to the level of ceremonies, for example, awards banquets, recognition events or similar activities sponsored by or for clients.

(4)(a) "Client" means any person, or group, who influences, or who may influence, the placement of title insurance business or who is engaged in a business, profession or occupation of:

(i) buying or selling interests in real property; and

(ii) making loans secured by interests in real property.

(b) "Client" includes real estate agents, real estate brokers, mortgage brokers, lending or financial institutions, builders, developers, subdividers, attorneys, consumers, escrow companies and the employees, agents, representatives, solicitors and groups or

associations of any of the foregoing.

(5) "Discount" means the furnishing or offering to furnish title insurance, services constituting the business of title insurance or escrow services for a total charge less than the amounts set forth in the applicable rate schedules filed pursuant to Section 31A-19a-203 or 31A-19a-209.

(6) "Official trade association publication" means:

(a) a membership directory, provided its exclusive purpose is that of providing the distribution of an annual roster of the association's members to the membership and other interested parties; or

(b) an annual, semiannual, quarterly or monthly publication containing information and topical material for the benefit of the members of the association.

(7) 'Property Profiles': ?????????????????????????????????????

(78) "Title insurance business" means the business of title insurance and the conducting of escrow.

(89) "Trade Association" means a recognized association of persons, a majority of whom are clients or persons whose primary activity involves real property.

R592-6-4. Unfair Methods of Competition, Acts and Practices.

In addition to the acts prohibited under Section 31A-23a-402, the Commission finds that providing or offering to provide any of the following benefits by parties identified in Section R592-6-2 to any client, either directly or indirectly, except as specifically allowed in Section R592-6-5 below, is a material and unfair inducement to obtaining title insurance business and constitutes an unfair method of competition.

(1) The furnishing of a title insurance commitment without one of the following:

(a) sufficient evidence in the file of the title insurer, agency or producer that a bona fide real estate transaction exists; or

(b) payment in full at the time the title insurance commitment is provided.

(2) The paying of any charges for the cancellation of an existing title insurance commitment issued by a competing organization, unless that commitment discloses a defect which gives rise to a claim on an existing policy.

(3) Furnishing escrow services pursuant to Section 31A-23a-406:

(a) for a charge less than the charge filed pursuant to Section 31A-19a-209(5); or

(b) the filing of charges for escrow services with the Utah Insurance Commissioner (commissioner), which are less than the actual cost of providing the services.

(4) Waiving all or any part of established fees or charges for services which are not the subject of rates or escrow charges filed with the commissioner.

(5) Deferring or waiving any payment for insurance or services otherwise due and payable, including a series of real estate transactions for the same parcel of property.

(6) Furnishing services not reasonably related to a bona fide

title insurance, escrow, settlement, or closing transaction, including non-related delivery services, accounting assistance, or legal counseling.

(7) The paying for, furnishing, or waiving all or any part of the rental or lease charge for space which is occupied by any client.

(8) Renting or leasing space from any client, regardless of the purpose, at a rate which is excessive or inadequate when compared with rental or lease charges for comparable space in the same geographic area, or paying rental or lease charges based in whole or in part on the volume of business generated by any client.

(9) Furnishing any part of a title insurer's, title agency's, or title producer's facilities, for example, conference rooms or meeting rooms, to a client or its trade association without receiving a fair rental or lease charge comparable to other rental or lease charges for facilities in the same geographic area.

(10) The co-habitation or sharing of office space with a client of a title insurer, title agency, or title producer.

(11) Furnishing all or any part of the time or productive effort of any employee of the title insurer, agency or producer, for example, secretary, clerk, messenger or escrow officer, to any client.

(12) Paying for all or any part of the salary of a client or an employee of any client.

(13) Paying, or offering to pay, either directly or indirectly, salary, commissions or any other consideration to any employee who is at the same time licensed as a real estate agent or real estate broker or as a mortgage lender or mortgage company subject to 31A-2-405 and R592-5.

(14) Paying for the fees or charges of a professional, for example, an appraiser, surveyor, engineer or attorney, whose services are required by any client to structure or complete a particular transaction.

(15) Sponsoring, cosponsoring, subsidizing, contributing fees, prizes, gifts, food or otherwise providing anything of value for an activity of a client, except as allowed under Subsection R592-6-5(6). Activities include open houses at homes or property for sale, meetings, breakfasts, luncheons, dinners, conventions, installation ceremonies, celebrations, outings, cocktail parties, hospitality room functions, open house celebrations, dances, fishing trips, gambling trips, sporting events of all kinds, hunting trips or outings, golf or ski tournaments, artistic performances and outings in recreation areas or entertainment areas.

(16) Sponsoring, cosponsoring, subsidizing, supplying prizes or labor, except as allowed under Subsection R592-6-5(2) or otherwise providing things of value for promotional activities of a client. Title insurers, agencies or producers may attend activities of a client if there is no additional cost to the title insurer, agency or producer other than their own entry fees, registration fees, meals, and provided that these fees are no greater than those charged to clients or others attending the function.

(17) Providing gifts or anything of value to a client in connection with social events such as birthdays or job promotions. A letter or card in these instances will not be interpreted as providing a thing of value.

(18) Furnishing or providing access to the following, even for a cost:

- (a) building plans;
- (b) construction critical path timelines;
- (c) "For Sale by Owner" lists;
- (d) surveys;
- (e) appraisals;
- (f) credit reports;
- (g) mortgage leads for loans;
- (h) rental or apartment lists; or
- (i) printed labels.

(19) Newsletters cannot be property specific or cannot highlight specific customers.

(20) A title insurer, agency or producer cannot provide a client access to any software accounts that are utilized to access real property information, excluding property profiles, that the insurer, agency or producer pays for, develops, or pays to maintain. Closing software is exempt as long as it is used for a specific closing.

~~(21) A person, as defined in 31A-1-301, or individual affiliated with a title insurer, agency or producer cannot provide a loan or any type of financing to a client of title insurance.~~ With the exception of a primary or secondary residence, commercial office property owned by and in which an office has been maintained or the foreclosure or retaking of real property by reason of a stated default, a title insurer, agency or producer cannot provide a title insurance policy or perform an escrow closing on real property for which a person as defined in 31A-1-301, individual affiliated with a title insurer, agency or producer, to include owners, employees, or contracted service providers, whether as individuals or through ownership in other entities, have provided an investment loan or financing to a client of title insurance.

(22) Paying for any advertising on behalf of a client.

(23) Advertising jointly with a client on subdivision or condominium project signs, or signs for the sale of a lot or lots in a subdivision or units in a condominium project. A title insurer, agency or producer may advertise independently that it has provided title insurance for a particular subdivision or condominium project but may not indicate that all future title insurance will be written by that title insurer, agency or producer.

(24) Advertisements may not be placed in a publication, including an internet web page and its links, that is hosted, published, produced for, distributed by or on behalf of a client, ????????

(25) A donation may not be made to a charitable organization created, controlled or managed by a client.

(26) A direct or indirect benefit, provided to a client which is not specified in Section R592-6-5 below, will be investigated by the department for the purpose of determining whether it should be defined by the Commission as an unfair inducement under Section 31A-23a-402(8).

(27) Title insurers, agencies and producers who have ownership in, or control of, other business entities, including I.R.C. Section 1031 qualified intermediaries and escrow companies, may not use those other business entities to enter into any agreement, arrangement, or understanding or to pursue any course of conduct, designed to avoid

the provisions of this rule.

R592-6-5. Permitted Advertising, Business Entertainment, and Methods of Competition.

Except as specifically prohibited in Section R592-6-4 above, the following are permitted:

(1) In addition to complying with the provisions of 31A-23a-402 and R590-130, Rules Governing Advertisements of Insurance, advertisement by title insurers, agencies or producers must comply with the following:

(a) the advertisement must be purely self-promotional; and
(b) advertisement in official trade association publications are permissible as long as any title insurer, agency or producer has an equal opportunity to advertise in the publication and at the standard rates other advertisers in the publication are charged.

(2) A title insurer, agency or producer may donate time to serve on a trade association committee and may also serve as an officer for the trade association.

(3) A title insurer, agency or producer may have two self-promotional open houses per calendar year for each of its owned or occupied facilities, including branch offices. The title insurer, agency or producer may not expend more than \$15 per guest per open house. The open house may take place on or off the title insurer's, agency's or producer's premises but may not take place on a client's premises.

(4) A donation to a charitable organization must:

(a) not be paid in cash;
(b) if paid by a negotiable instrument, be made payable only to the charitable organization;
(c) be distributed directly to the charitable organization;
and

(d) not provide any benefit to a client.

(5) A title insurer, agency or producer may distribute self-promotional items having a value of \$5 or less to clients, consumers and members of the general public. These self-promotional items shall be novelty gifts which are non-edible and may not be personalized or bear the name of the donee. Self-promotional items may only be distributed in the regular course of business. Self-promotional items may not be given to clients or trade associations for redistribution by these entities.

(6) A title insurer, agency or producer may make expenditures for business meals or business activities on behalf of any person, whether a client or not, as a method of advertising, if the expenditure meets all the following criteria:

(a) the person representing the title insurer, agency or producer must be present during the business meal or business activity;

(b) there is a substantial title insurance business discussion directly before, during or after the business meal or business activity;

(c) the total cost of the business meal, the business activity, or both is not more than \$100 per person, per day;

(d) no more than three individuals from an office of a client may be provided a business meal or business activity by a title insurer,

agency or producer in a single day; and

(e) the entire business meal or business activity may take place on or off the title insurer's, agency's or producer's premises, but may not take place on a client's premises.

(7) A title insurer, agency or producer may conduct continuing education programs that are approved by the appropriate regulatory agency, under the following conditions:

(a) the continuing education program shall address only title insurance, escrow or other topics directly related thereto;

(b) the continuing education program must be of at least one hour in duration;

(c) for each hour of continuing education, \$15 or less per person may be expended, including the cost of meals and refreshments; and

(d) no more than one such continuing education program may be conducted at the office of a client per calendar quarter.

(8) A title insurer, agency or producer may acknowledge a wedding, birth or adoption of a child, or funeral of a client or members of the client's immediate family with flowers or gifts not to exceed \$75.

(9) Any other advertising, business entertainment, or method of competition must be requested in writing and approved in advance and in writing by the Commission.

R592-6-6. Enforcement Date.

The commissioner will begin enforcing the provisions of this rule 45 days from the effective date of the rule.

R592-6-7. Severability.

If any provision or clause of this rule or its application to any person or situation is held invalid, such invalidity may not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.

KEY: title insurance

Date of Enactment or Last Substantive Amendment: June 25, 2009

Authorizing, and Implemented or Interpreted Law: 31A-2-201; 31A-23a-402